IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 1427 of 2005(T)

PETITIONER:

SCARIA P.MATHEW, PROPRIETOR,
SURYA RUBBERS, CHINGAVANAM P.O., KOTTAYAM.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS:

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1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, PALLOM P.O.,
KOTTAYAM.

2. THE DEPUTY CHIEF ENGINEER(APTS),
HEAD QUARTERS, VIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

3. KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.

BY SR. ADV. SRI.N.N.SUGUNAPALAN, SC, KSEB
SRI.KODOTH SREEDHARAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC NO.1427 OF 2005)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF APPEAL DATED 6.5.2003 FILED BY PETITIONER BEFORE THE THIRD RESPONDENT.

EXT.P2: TRUE COPY OF ORDER DATED 20.7.2003 ON CMP NO.25025/2003 IN O.P.NO.14988/2003.

EXT.P3: TRUE COPY OF SUMMONS RECEIVED BY THE PETITIONER IN CC 1040/2004 IN THE COURT OF THE JUDICIAL MAGISTRATE OF 1ST CLASS, CHANGANASSERY.

RESPONDENTS' EXTS.:

EXT.R1(a): TRUE COPY OF THE SITE MAHAZAR.

EXT.R1(b): TRUE COPY OF THE APTS REPORT DATED NIL.

EXT.R1(c): TRUE COPY OF THE LETTER DATED 2.5.03.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.1427 of 2005

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Dated: 27th July, 2007

JUDGMENT

I do not find any warrant for quashing the criminal case which has been initiated against the petitioner. However the argument of the counsel for the petitioner that at least till such time as the appeal preferred before the 2nd respondent is finally disposed of, the trial of the criminal case should not be taken, has some appeal. Accordingly, I dispose of the Writ Petition directing the Appellate Authority to dispose of Ext.P1 appeal in accordance with law after hearing all concerned parties at the earliest and at any rate within four months of receiving copy of this judgment. Till such time as the appeal is disposed of and the order is communicated to the petitioner, the Judicial Magistrate of 1st Class, Changanassery will not take up the trial of Ext.P3 complaint. Once the appeal is disposed of, the complainant will inform the learned Magistrate of the disposal so that the learned Magistrate can take up Ext.P3.

srd **PIUS C.KURIAKOSE, JUDGE**